

REMARKS

In the Office Action dated March 8, 2006, claims 5, 7, 8, and 17 were objected to; claim 24 was rejected under 35 U.S.C. § 112, ¶¶ 1 and 2; claims 17 and 18 were rejected under § 102 over U.S. Patent No. 6,094,643 (Anderson); claims 1-3, 9-11, 13, 15, 16, 19-21, 25, 28, and 29 were rejected under § 103 over Anderson alone; claims 4-7, 12, 14, 22, 23, 26, and 27 were rejected under § 103 over Anderson in view of U.S. Patent No. 5,937,406 (Balabine); claims 8 and 24 were rejected under § 103 over Anderson in view of Balabine and U.S. Patent No. 6,470,345 (Doutre); and claim 30 was rejected under § 103 over Anderson in view of Balabine and U.S. Patent No. 5,404,507 (Bohm).

Appln. Serial No. 10/654,821  
Amendment Dated June 8, 2006  
Reply to Office Action Mailed March 8, 2006

CLAIM OBJECTIONS

Claims 5, 7, and 17 have been amended to address the objections raised in the Office Action.

Appln. Serial No. 10/654,821  
Amendment Dated June 8, 2006  
Reply to Office Action Mailed March 8, 2006

REJECTIONS UNDER 35 U.S.C. § 112, ¶ 1 AND 2

Claim 24 has been cancelled to render the rejection of this claim moot.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Independent Claims 17 and 18

Each of claims 17 and 18 were rejected as being anticipated by Anderson. Applicant respectfully disagrees. Note that claims 17 and 18 have been amended to improve the form of the claims; it is respectfully submitted that the amendments made to claims 17 and 18 were not performed in response to the prior art rejection.

Note that claim 17 recites logging every individual transaction between first members and second members, where the first members are subject to compromise and the second members are each a potential point-of-compromise. Claim 17 further recites that for each of said second members (which are potential points-of-compromise) in a subset, a separate second member tally is incremented in response to each individual transaction associated with each one of the compromised first members, and a set is created of the second member tallies that are associated with respective second members (which are potential points-of-compromise).

The Office Action cited the following passages of Anderson as disclosing the incrementing of second member tallies: column 7, line 49-column 8, line 38; column 8, lines 45-60; column 9, lines 13-27; column 9, lines 55-65. These cited passages refer to creating scores for all cards and transactions based on standardized scoring parameters. Anderson, 7:50-51. Moreover, Anderson teaches that the scored transactions are categorized by time and geographic region into smaller groups referred to as events. Anderson, 8:42-44. Importantly, note that events refer to groups of transactions. Anderson further states that the events are scored by transactional attributes carried with a card and in view of other transactions in a particular event. Anderson, 9:5-7. The events are scored using event scoring parameters. Anderson, 9:13-15. The scored events are then analyzed to identify fraudulent patterns. Anderson, 9:44-46.

Thus, the scores that are computed by Anderson are scores for cards, transactions, or events (which are groups of transactions). In contrast, the tallies incremented according to claim 17 are tallies for each of second members in a subset, where the second members are each a potential *point*-of-compromise.

In view of the foregoing, claim 17 is not anticipated by Anderson. Claim 18 is similarly not anticipated by Anderson.

Newly added dependent claim 31 recites that incrementing each second member tally comprises incrementing a count of a number of occurrences of transactions involving the compromised first members at the corresponding second member; the scores for the cards, transactions, or events (groups of transactions) do not constitute a count of a number of occurrences of transactions involving the compromised first members at the corresponding second member.

Newly added dependent claim 32, which depends from claim 18, is similarly further allowable.

Independent Claims 1, 11, 19, 28, and 29

Each of the above independent claims were rejected as being obvious over Anderson alone. It is respectfully submitted that claim 1 is non-obvious over Anderson, which does not teach or suggest calculating interaction factors for respective second members that are part of interactions involving third members (where each of the second members may be a potential point-of-compromise), where each interaction factor indicates a number of occurrences of interactions involving the third members at a corresponding second member. The scores calculated in Anderson are scores of cards, transactions, or events (groups of transactions). These scores do not suggest the interaction factors recited in claim 1.

Independent claim 11 recites assigning a point-of-compromise score to each of second items that are involved in extracting interactivities, where each score is indicative of frequency of the extracted interactivities occurring at the corresponding second item, where each second item represents a potential point-of-compromise. Again, the scores calculated in Anderson do not teach or suggest assigning the point-of-compromise scores recited in claim 11.

Independent claim 19 recites creating a tally of the transactions for each point-of-use, and incrementing each tally for each occurrence of transactions involving at least one of the compromised credit cards. The scores calculated in Anderson do not provide any suggestion of such tallies.

Independent claim 28 recites incrementing a tally for each merchant associated with each related data point. The scores calculated for cards, transactions, or events (groups of transactions) of Anderson do not constitute a tally for each merchant. Anderson also does not teach or suggest sorting the merchants by tally.

Independent claim 29 recites computer code for assigning a score to individual members of the second class for each of the interactions extracted, where the score represents a point-of-compromise probability for each of the individual members of the second class. The scores of Anderson do not constitute a score that represents a point-of-compromise probability for each member of the second class.

In view of the foregoing, it is respectfully submitted that the above claims are non-obvious over Anderson. Dependent claims of the above independent claims are allowable for at least the same reasons as corresponding independent claims. Also, in view of the allowability of base claims over Anderson, it is respectfully submitted that the obviousness rejections of dependent claims over Anderson and other references have been overcome.

Independent Claim 30

Independent claim 30 was rejected as being obvious over Anderson, Balabine, and Bohm. The obviousness rejection was premised on the defective reading of a claim element of claim 30 onto Anderson, namely the claimed feature of counting the number of the interactivity events for each of the points-of-use in the selected file. In view of the misapplication of Anderson to claim 30, it is respectfully submitted that the hypothetical combination of Anderson, Balabine, and Bohm does not teach or suggest all elements of claim 30. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 30.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (HPC.0329US).

Respectfully submitted,

Date: \_\_\_\_\_

*June 8, 2006*



\_\_\_\_\_  
Dan C. Hu  
Registration No. 40,025  
TROP, PRUNER & HU, P.C.  
1616 South Voss Road, Suite 750  
Houston, TX 77057-2631  
Telephone: (713) 468-8880  
Facsimile: (713) 468-8883